

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, STATE OF
NEW YORK, and NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL
CONSERVATION,

Plaintiffs,

- against -

Civil Action No.

COUNTY OF SUFFOLK, SUFFOLK COUNTY
DEPARTMENT OF PUBLIC WORKS and
CHARLES J. BARTHA, Commissioner of
the Suffolk County Department of
Public Works,

Defendants.

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CONSENT JUDGMENT

WHEREAS, Plaintiffs, the United States of America ("United States"), on behalf of the United States Environmental Protection Agency ("EPA"), (collectively "United States"), the State of New York ("the State"), and the New York State Department of Environmental Conservation ("NYSDEC") (collectively "Plaintiffs") have filed a Complaint alleging that Defendants, County of Suffolk ("Defendant County"), the Suffolk County Department of Public Works ("Public Works"), and Charles J. Bartha, Commissioner of the Suffolk County Department of Public Works ("Bartha") (collectively "Defendants") violated the Federal Water Pollution Control Act (the "Act"), 33 U.S.C. §§ 1251 et seq., and the New York State Environmental Conservation Law §§ 17-0803(4)(c), 17-1927, 17-1929, and 17-1931 and the terms and conditions of its State Pollutant Discharge Elimination System ("SPDES") permits,

Permit Numbers: NY0021750; NY0104809; NY0079511; NY0023311; NY0080683;
NY0076988; NY0079324; NY0065358; NY0136964; NY0084514; NY0206644; NY0066028;
NY0085693; and NY0226971;

WHEREAS, the Defendant County owns and operates publicly owned wastewater treatment works ("POTWs"), known as the Port Jefferson POTW, SCSD #3 (Southwest POTW), SCSD #6 (Kings Park POTW), SCSD #7P (Twelve Pines POTW), SCSD #7W (Woodside POTW), SCSD #11 (Selden POTW), SCSD #12 (Birchwood POTW), SCSD #14 (Parkland POTW), SCSD #18N (Heartland POTW), SCSD #18 (ITT POTW), SCSD #21 (SUNY Stony Brook POTW), SCSD #22 (Hauppauge Municipal POTW), Gabreski Airport POTW, and Yaphank County Center POTW, all of which STPs discharge wastewater into the navigable waters of the United States;

WHEREAS, Plaintiffs and Defendants, having agreed that the settlement of this matter without further litigation is in the public interest, and the Court being duly advised;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon the consent and agreement of the parties to this Consent Judgment by their attorneys and authorized officials,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

I. JURISDICTION

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1311, 1345 and 1355, and Sections 309(b) and 309(e) of the Federal Water Pollution Control Act, 33 U.S.C. § 1319(b) and 1319(e) ("the Act"), and supplemental jurisdiction over the claims made pursuant to New York State law pursuant to 28 U.S.C. § 1367. Venue is proper in

this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1395(a), and Section 309(b) of the Act, 33 U.S.C.

§ 1319(b), because Suffolk County is located and the alleged violations occurred in this judicial district. The Plaintiffs' Complaint filed in this action states claims upon which relief may be granted against the Defendants.

II. BINDING EFFECT

2. This Consent Judgment shall apply to and be binding upon Defendants, their officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with any of them. Defendant County, through its officers and agents, shall give written notice of this Consent Judgment and a copy thereof to any successor in interest at least 30 days prior to transfer of ownership, operation, or other interest in Defendant County's POTWs. Defendant County shall notify, in writing, all parties to this Consent Judgment, at the addresses specified in Section XV, at least 60 days in advance, of any such transfer. In any action to enforce this Consent Judgment, Defendants shall not raise as a defense the failure by any of their agents, servants, contractors or employees to take actions necessary to comply with the Consent Judgment. Defendant County shall condition the transfer of ownership, operation, or other interest, upon the continued compliance by any successor or assign with the terms and conditions of this Consent Judgment.

III. OBJECTIVES AND DEFINITIONS

3. The express purpose of the parties in entering into this Consent Judgment is to further the goals of the Act, specifically Sections 101, 301, 303, 307, 402, and 405 of the Act, 33 U.S.C. §§ 1251, 1311, 1313, 1317, 1342, and 1345. All plans, studies, construction, remedial

maintenance, monitoring programs, inspections, pretreatment program activities, and other obligations in this Consent Judgment shall have the objective of causing the Defendant County to be in full compliance with the Act, including compliance with the terms and conditions of SPDES permits, Permit Numbers: NY0021750; NY0104809; NY0079511; NY0023311; NY0080683; NY0076988; NY0079324; NY0065358; NY0136964; NY0084514; NY0206644; NY0066028 and NY0085693, renewals or amendments to the Permits, its Industrial Pretreatment Program ("IPP"), and the provisions of applicable Federal and State laws and regulations governing the Defendant County's operation of its POTWs and discharges from these facilities.

4. Unless otherwise defined herein, all terms used in this Consent Judgment shall have the meaning given to those terms in the Act, 33 U.S.C. § 1251 et seq., the federal regulations promulgated thereunder, in particular 40 C.F.R. Part 403, the Defendant County's SPDES Permits, and the Defendant County's approved IPP. If there are any conflicts between definitions and requirements in the regulations and the permits or IPP, the definitions in the federal pretreatment regulations, 40 C.F.R. Part 403, shall control over the definitions in the SPDES permits and IPP. For example, "Significant Industrial User" ("SIU") is defined, irrespective of any other definitions in the Defendant County's IPP or SPDES Permits, by 40 C.F.R. § 403.3(t). Notwithstanding the foregoing, if the state definitions are more stringent than the federal definitions, the state regulations shall apply.

IV. COMPLIANCE PROGRAM

5. The Defendant County's IPP, approved by the EPA on September 26, 1985, the Defendant County's Enforcement Response Plan modification, approved by EPA on September 22, 1995, the Suffolk County Code-Sewer Use Rules and Regulations ("Sewer Use Rules and

Regulations”), the Defendant County’s Sewer Use Rules and Regulations and the Defendant County’s Amended Sewer Use Rules and Regulations when subsequently revised by the Defendant County, are hereby incorporated into this Consent Judgment by reference.

6. Defendants shall fully implement and effectively enforce the provisions of the IPP as required in Part A of the Defendant County's SPDES Permits and comply with the reporting requirements in Part F of the Defendant County's SPDES Permits. Defendants' failure to fully and timely implement any provision of the IPP or any permit requirements related to Part A or Part F of the Permits, shall constitute a violation of this Consent Judgment.

A. Supplemental Industrial User Survey

7.a. EPA will provide to the Defendant County a listing of facilities (“EPA List”). By July 15, 2004, Defendant County shall determine whether each of these facilities was identified by the Defendant County’s Industrial Waste Survey conducted during 2001-2002 (“2002 Survey”), and the Defendant County shall provide a report to EPA. The report shall state which facilities on the EPA List were identified by the 2002 Survey, and as to each, shall state the findings from the 2002 Survey, the facility’s response to the questionnaire, whether and when the Defendant County performed any follow-up action regarding the facility, including a site inspection and an assessment of the facility, the results of that follow-up action and/or assessment, the categorization of the facility, and any other information used by the Defendant County to make a final determination as to categorization of the facility.

7.b.1. By August 13, 2004, for the facilities on the EPA List that were not identified by

the 2002 Survey, the Defendant County shall conduct site inspection at all facilities on the EPA list, except those facilities which the County has determined on an initial basis are not subject to the County's approved IPP, and report to EPA with the following information:

1. Process description including Standard Industrial Classification ("SIC") code;
2. Date operation started at the location;
3. Nature of discharge;
4. Permit information for all discharges;
5. Determination on categorization of significant and categorical industrial users.

7.b.2. By October 15, 2004, for the remaining facilities on the EPA list which were not inspected pursuant to Paragraph 7.b.1., the Defendant County shall conduct a site inspection at all the facilities on the EPA list and report to EPA with the following information:

1. Process description including Standard Industrial Classification ("SIC") code;
2. Date operation started at the location;
3. Nature of discharge;
4. Permit information for all discharges;
5. Determination on categorization of significant and categorical industrial users.

7.c. EPA will evaluate results of the activities listed in Paragraphs 7.a. and 7.b above, and as part of the evaluation, may verify the results with follow-up questions to the Defendant County and/or may conduct site visits to some or all of the facilities. Following such evaluation, EPA will determine whether additional training is warranted for the Defendant County personnel. Within fourteen (14) days of the Defendant County's receipt of EPA's determination on training, it shall provide EPA with a plan for carrying out such training. The additional training shall

focus on identification and categorization of industrial users. It may include the Defendant County personnel's participation in workshops and training courses, and utilization of training materials and guidance available, including those resources that may be found on the internet. Within three months of EPA's approval of the plan, the Defendant County shall provide training to all inspection personnel, including those who review and/or make determination as to categorization and permitting.

7.d. By December 31, 2004, Defendant County shall supplement the 2002 Survey. In the Supplemental Survey, the Defendant County shall identify, locate, and classify by SIC code and process operations all possible non-domestic dischargers which might be subject to the IPP, identify the character and amount of pollutants, and volume of discharge contributed to the POTW for those industries identified as potentially SIUs, and develop a list of all SIUs and Categorical Industrial Users ("CIUs") and their compliance status with local limits/categorical pretreatment standards. In addition, the Supplemental Survey shall include a list of Industrial Users ("IUs") which do not meet the definition of "Significant," and an explanation of why such IUs are not "Significant." Such supplemental survey shall be conducted in accordance with the following milestones:

7.d.1. By August 2, 2004, Defendant County shall develop an additional database listing all potential nondomestic dischargers in its entire service area not identified by the 2002 Survey, utilizing additional methods, including searching for non-domestic dischargers which might be subject to the IPP through internet sources such as:

- Yellow pages: <http://www.bigyellow.com/>
- New business listings: <http://www.newsday.com/business/ny-bizdb-nubz0304.story>

- Internet business listings such as:

<http://www.biotechmedia.com/generic-mfg.html>

http://www.plantfloor.com/states/ny/ny_metalworking_metalfinishing.htm#AlphaRoster

- New York State facility listings such as:

<http://www.op.nysed.gov/opsearches.htm#rx>

- Facility Listings such as with SEC:

<http://www.seinfo.com> .

The Defendant County shall also search other sources of information that may result in the discovery of additional non-domestic dischargers which might be subject to the IPP that are unknown to the Defendant County. This additional database shall also include those IUs that discharge directly or indirectly to the Defendant County's collection system. The Defendant County shall briefly describe each information source used or searched when developing the database.

7.d.2. By August 2, 2004, Defendant County shall develop an Industrial Waste Survey ("IWS") Questionnaire which shall be used to obtain information regarding industrial user activities, the nature of waste discharged, and any other information to accurately classify the IUs. Defendant County shall submit the IWS Questionnaire to EPA for review and comment. EPA will advise the Defendant County of any comments regarding the Questionnaire. Within 10 business days of receipt of comments from EPA, Defendant County shall address any concerns raised by the EPA with regard to the Questionnaire and resubmit the Questionnaire to EPA for approval.

7.d.3. By September 1, 2004, Defendant County shall distribute the IWS Questionnaire by certified mail to each of the potential non-domestic dischargers identified in the additional database described in paragraph 7.d.1. The IWS shall include a 10 business day deadline for the industries to respond. Such distribution, however, shall take place only after receipt by the Defendant County of approval of the draft IWS Questionnaire by EPA and delivery of the draft IWS Questionnaire to NYSDEC.

7.d.4. By October 1, 2004, Defendant County shall receive the responses and initiate its evaluation process.

7.d.5. By October 8, 2004, Defendant County shall contact all non-domestic dischargers that have not responded to the initial IWS Questionnaire. Defendant County shall maintain a record of such follow-up contact, such as telephone logs, records of mailings, etc.

7.d.6. By November 1, 2004, Defendant County shall receive any necessary follow-up response to the IWS from all potential non-domestic dischargers to which follow-up inquiries were made.

7.d.7. By December 31, 2004, Defendant County shall complete the evaluation of the IWS which shall include follow-up actions taken, such as request for additional information and on-site inspection to determine proper classification of all potential industrial users identified.

7.e. No later than 5 business days after each of the deadlines set forth in Paragraphs 7.b. through 7.d., the Defendant County shall certify in writing, in accordance with 40 C.F.R. § 122.22(b)(3)(d), to United States, EPA, the State and NYSDEC that the required actions have been completed. If any such deadline has not been met, the Defendant County shall set forth in writing and in detail, the specific actions that have not been completed, the reasons they have not

been completed, what steps have been/will be taken to complete the required actions, and a specific timetable for their completion. Such explanation shall not in itself act as a basis for relief from any stipulated penalties that may accrue.

8. By January 14, 2005, Defendant County shall prepare a report describing the Supplemental Survey procedures implemented, detailing the results of the Supplemental Survey, and identifying any additional SIUs, CIUs and IUs and their respective compliance status and submit this report to EPA and NYSDEC. EPA or NYSDEC may require follow-up actions and/or designate additional industrial users as SIUs, consistent with the federal regulations and Defendant County's approved IPP, based on the results of the Supplemental Survey or other information available to EPA, NYSDEC and the Defendant County.

B. IU Permits

9.a. By October 1, 2004, Defendant County shall review IU permits that satisfy the requirements of 40 C.F.R. § 403.8(f)(1)(iii) and the Defendant County's approved IPP for all SIUs identified in the Defendant County's August 2003-January 2004 Semi-annual Pretreatment Report.

9.b. By October 1, 2004, Defendant County shall verify that the content of the existing permits issued are adequate and that information such as categorization, application of compliance points, sampling locations for verifying applicable pretreatment standards, application of combined wastestream formulas, among other provisions, are accurate in accordance with the federal regulations and its approved IPP.

9.c. By December 31, 2004, Defendant County shall issue IU permits that satisfy the requirements of 40 C.F.R. § 403.8(f)(1)(iii) and the Defendant County's approved IPP, to all

SIUs identified in the Supplemental Survey conducted pursuant to Paragraph 7 and shall revise all permits referenced in Paragraph 9.a. as necessary to address any information gathered as part of the IU Survey.

9.d. Defendant County shall ensure that all permits issued to SIUs that are subject to national categorical pretreatment standards contain limits that reflect the most stringent limits (categorical pretreatment standards or local limits) applicable to the SIU and that all SIU permits contain local limits, monitoring, reporting and all other requirements set forth in 40 C.F.R. § 403.8(f)(1)(iii).

10. Defendant County shall not include schedules in permits that extend the deadline for compliance with national categorical pretreatment standards or any pretreatment standard in 40 C.F.R. § 403.5. Defendant County may only include compliance schedules in permits when necessary for the attainment of new or revised categorical pretreatment standards or new or more stringent local limits. In situations when an IU is in violation of a national categorical pretreatment standard or any other pretreatment standard or requirement, the Defendant County shall establish an expeditious compliance schedule in an enforcement order, not in a permit, and collect penalties following the procedures contained in the Defendant County's approved Enforcement Response Plan ("ERP"). The Defendant County shall state in any such enforcement order that, notwithstanding any compliance schedule, the IU remains subject to federal, state and/or local enforcement for any past, present or future violation of a national pretreatment standard or requirement.

11. By September 30, 2004, Defendant County shall submit a report detailing the compliance status of each SIU identified by the Defendant County in the August 2003- January

2004 Semi-annual Pretreatment Report. Such report shall state that the Defendant County has verified the compliance status of each SIU with sampling and analysis conducted by Defendant County during the twelve month period immediately preceding the lodging of the Consent Judgment. All sampling and analysis performed shall be in accordance with 40 C.F.R. Part 136.

C. Compliance Monitoring

12.a. By January 1, 2004, Defendant County shall begin and shall continue to conduct unannounced inspections of all SIUs and shall complete an inspection report for each inspection performed and place each such report in the Defendant County's IU files within 30 days of the date of the inspection. Prior to the actual inspection, notification of an unannounced inspection shall not be communicated by any representative of Defendant County directly or indirectly to the SIU, any person or entity associated therewith, or to any person or entity other than State or Federal representatives. Each inspection shall include: an on-site assessment; a visual inspection and verification of all industrial processes; a visual review of all pretreatment system, laboratory equipment, system maintenance, chemicals used and other waste management activities; a records review of monitoring, Quality Assurance/Quality Control measures, and chain-of-custody records; a review of sampling equipment, sampling procedures, sampling locations and all outfalls to determine the status of compliance with permit conditions. Each inspection, verification and review, and the results thereof, shall be recorded in written form and shall be placed in the Defendant County's IU files in addition to being made available to EPA or NYSDEC on request.

12.b. By July 31, 2004, the Defendant County shall submit a certification in writing in accordance with 40 C.F.R. § 122.22(b)(3)(d) to EPA and NYSDEC stating that at least one half

of the SIUs identified in the August 2003-January 2004 semi-annual Pretreatment Report have been inspected.

12.c. By January 31, 2005, Defendant County shall submit a certification in writing in accordance with 40 C.F.R. § 122.22(b)(3)(d) to EPA and NYSDEC stating that during the preceding calendar year it has inspected, at least once, each SIU including those that are newly identified in the Supplemental Survey. Both certifications shall include names of the facilities inspected and the date of the inspections. Defendant County shall conduct an inspection of each SIU at a minimum of once per year in accordance with the provisions of this paragraph and 40 C.F.R. § 403.8 (f)(2)(v).

13.a. By June 30, 2004, Defendant County shall have taken an unannounced sample of the wastewater discharge of all SIUs regulated by the County identified in the August 2003-January 2004 Semi-annual Pretreatment Report and analyzed the sample for all pollutants regulated in the SIU's permit at each applicable sample point, all pollutants regulated by applicable categorical pretreatment standards, local limits and the prohibitions in 40 C.F.R. § 403.5, in order to determine the status of compliance with effluent limitations. Thereafter, such sampling shall be conducted at least once every six months and shall include all identified SIUs. Each sampling event and the results thereof shall be recorded in written form and placed in the Defendant County's IU files in addition to being made available to EPA or NYSDEC on request.

13.b. By July 31, 2004, the Defendant County shall submit a certification in writing in accordance with 40 C.F.R. § 122.22(b)(3)(d) to EPA and NYSDEC stating that at least one half of the SIUs identified in the August 2003-January 2004 Semi-annual Pretreatment Report have been sampled between February 1, 2004 and July 31, 2004.

13.c. By January 31, 2005, Defendant County shall submit a certification in writing in accordance with 40 C.F.R. § 122.22(b)(3)(d) to EPA and NYSDEC stating that it has sampled, at least once between January 1, 2004 and December 31, 2004, each SIU including those that are newly identified in the IWS and in accordance with Paragraph 7. The certifications referred to in Paragraphs 13.b. and 13c. shall include names of the facilities sampled and the date of the sampling.

13.d. In the event of an effluent limitation violation of any of the Defendant County's SPDES permits and when the Defendant County determines that such violation may potentially be attributable to an identifiable SIU's industrial discharge, Defendant County shall take an unannounced sample of the wastewater discharge of said permitted SIU and analyze it for the parameters covering the SPDES effluent limitations violated by the Defendant County. Defendant County shall report the results in the quarterly report submitted pursuant to Paragraphs 26 and 27 of this Consent Judgment, which covers the period that the unannounced sample was taken. If the Defendant County determines that a violation occurred and is not potentially attributable to an identifiable industrial discharge, it shall include its determination, including the rationale for such a determination, in the quarterly report which covers the affected period. Prior to the actual sampling, notification of an unannounced sampling shall not be communicated by any representative of Defendant County directly or indirectly to the SIU, any person or entity associated therewith, or to any person or entity other than State or Federal representatives. Such actions by the Defendant County shall be taken in addition to any other necessary and appropriate measures to address the noncompliance.

D. Revision of Local Limits

14. By November 1, 2005, Defendant County shall provide a final technical analysis of all local limits for Sewer District 3, Southwest; Sewer District 14, Parkland; and Sewer District 18, the two plants Heartland and ITT (the "4 Plants") in order to determine if local limits need to be revised or otherwise made more stringent. With respect to all other plants, Defendant County shall provide a final technical analysis by March 31, 2006. Any local limits analysis must be done in compliance with the EPA's "Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program" (December 1987) ("the Guidance Manual") and "Supplemental Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program" (May 1991), and any supplements or modifications to such manuals. The Defendant County shall determine whether or not changes to the local limits are required. All proposed changes to local limits which make a local limit less stringent are substantial modifications to the IPP and must be submitted to EPA for approval pursuant to 40 CFR § 403.18(c). All other proposed changes to local limits which are non-substantial must be submitted to EPA for approval pursuant to 40 CFR § 403.18(d). A copy of any such proposed modification shall also be sent to NYSDEC. The technical analysis of local limits shall be performed as follows:

a. For the 4 Plants, by October 15, 2004, and for the remaining Plants and Sewer Districts by September 30, 2005, Defendant County shall submit to EPA a preliminary written technical analysis of:

- (1) the sources, character and volume of non-domestic (commercial and industrial) user pollutant contributions to the treatment plant;

- (2) the loading of each pollutant from uncontrollable (domestic) sources to each treatment plant;
 - i. if site-specific domestic loadings are not available, Defendant County shall estimate loading using values from EPA's guidance documents.
 - ii. if substantial inflow and infiltration is a source of uncontrollable loading and actual data does not exist, Defendant County shall estimate loading using values from domestic sources.
- (3) the pollutants of concern for each treatment plant based, at a minimum, on a review of each plant's operations, permits issued under New York State's SPDES program, discharge monitoring reports, and non-domestic discharges to each plant;
- (4) the removal efficiency of each treatment plant for each pollutant;
 - i. in calculating removal efficiencies, site-specific data cannot be used unless a minimum of 5 sample results are available.
 - ii. sample results cannot be used in calculating the removal efficiency if both influent and effluent values are below detection limits.
 - iii. for non-detectable effluent values to be used to calculate a removal efficiency, the influent and effluent samples must have the same detect limits.
 - iv. where site-specific values are not usable, Defendant County shall use removal efficiencies provided in the Guidance Manual.

- v. where site-specific values cannot be used, and EPA's guidance manual does not provide values, Defendant County can use data from EPA's Risk Reduction Engineering Laboratory ("RREL") Treatability Database.
- A. if no sedimentation data is available in the database, Defendant County shall assume zero percent (0%) removal efficiency through primary treatment.
 - B. pilot plant data from the RREL database may not be used.
 - C. Defendant County shall assume that only removal efficiencies for values within the zero to one hundred (0 to 100) microgram per liter ($\mu\text{g/l}$) range are valid for toxics.
 - D. the maximum allowable headworks loading to each treatment plant (based on permit, plant operations, water quality criteria, and sludge quality) for each pollutant.
 - E. In the calculations for 14.a(4)i through 14.a(4)v of this paragraph, non-detectable quantities shall be assumed to be at the detection limits.
 - F. If average values are used, the safety factor shall be over 10% and shall be developed in accordance with

the procedures set forth in the Guidance Manual to account for variability.

b. By September 1, 2005, for the 4 Plants and by December 31, 2005 for the remaining Plants and Sewer Districts, Defendant County shall submit to EPA a draft of the proposed local limits and analyses and/or pollutant reduction plan. The draft shall include language for changes to the Defendant County's Sewer Use Rules and Regulations (if applicable) and if uniform concentration limits are not used, written allocation procedures for allocation of local limits.

c. By November 1, 2005, for the 4 Plants and by March 31, 2006 for the remaining Plants and Sewer Districts, Defendant County shall complete the final technical analysis and propose numeric local limits for each WWTP in accordance with the Guidance. The analysis shall include language for changes to the Defendant County's Sewer Rules and Regulations (if applicable) and, if uniform concentration limits are not used, written allocation procedures for local limits. These shall be submitted to EPA for approval pursuant to 40 CFR § 403.18.

15. No later than 90 days from the approval of the limits in accordance with 40 C.F.R. § 403.18., the Defendant County shall submit to the County Legislature any changes to its Sewer Use Rules and Regulations and/or IPP as necessary. Any such changes shall be enacted by Defendant County within six months after submission to the County Legislature.

16. Within 30 days of Defendant County's enactment of any changes to its Sewer Use Rules and Regulations and/or IPP, Defendant County shall notify, in writing, all permitted IUs discharging to a plant whose local limits have been modified, of the revised local limits and/or modifications to the Defendant County's IPP.

17. No later than 90 days after enacting any revision to the local limits, Defendant County shall issue, reissue, or modify each SIU wastewater discharge permit to include the revised local limits. Defendant County shall establish an enforceable compliance schedule for each IU that cannot comply with the revised local limits within the period. All compliance schedules shall be established in conformance with Paragraph 10 above. The compliance schedule shall result in full compliance with all revised local limits within one year of notification.

18. Defendant County shall not issue, reissue, or modify, either orally or in writing, any IU permit to include effluent discharge limits which are less stringent than the local limits which were approved as part of the Defendant County's approved IPP or which have been approved and modified pursuant to the provisions of this Consent Judgment, except in compliance with 40 CFR § 403.18(c).

19. Notwithstanding any provisions in the Defendant County's approved IPP, Defendant County shall not waive any of the above referenced local limits for any SIU unless explicitly approved in writing by EPA in advance in accordance with 40 C.F.R. § 403.18. This prohibition also shall apply to all new SIUs which begin to discharge after the date of entry of this Consent Judgment.

E. Enforcement

20. Defendant County shall take timely, appropriate, and effective enforcement action, as described in and required by the approved ERP. Defendant County shall escalate its enforcement responses (i.e., take more severe enforcement actions in response to continuing violations) until an IU returns to full compliance with all applicable pretreatment standards and

requirements. At a minimum, Defendant County shall initiate an enforcement action as specified in the approved ERP including seeking penalties, if applicable, in the amounts specified in the ERP against all IUs that are in noncompliance. Such penalties shall take into account all factors identified in the ERP and shall seek to recover, at a minimum, the economic benefit, that the IU may have obtained as a result of its failure to meet any pretreatment standard and any other applicable pretreatment requirements, and an additional amount as a component of a penalty that reflects the gravity of the violation in order to create a deterrent to noncompliance.

21. Within 45 days after completion of the Supplemental Survey required in paragraph 7, Defendant County shall commence a formal enforcement action against each Industrial User that has failed to submit the wastewater discharge permit application required by the County's IPP, and shall seek a penalty in an amount consistent with the approved ERP. Once the application is completed, additional relief, including civil penalties, will be sought for any noncompliance with federal categorical pretreatment standards and for local limits.

F. Compliance Certification

22. By September 30, 2004, Defendant County shall certify in writing in accordance with 40 C.F.R. § 122.22(b)(3)(d) to EPA and NYSDEC that all of its SIUs identified in its August 2003 - January 2004 Semi-annual Pretreatment Report are currently in full compliance, in accordance with Paragraph 23. Alternatively, if any SIU is not in full compliance, the County shall certify that an appropriate enforcement action has been initiated and diligently pursued in accordance with the ERP. Defendant County shall base this certification on monitoring data collected by the County and the SIUs within the previous 6 months. Such certification shall be submitted on a quarterly basis and shall be included in the quarterly progress report to the United

States as described in Paragraph 27, Section V. A copy of the certification also shall be sent to NYSDEC.

23. For purposes of this subsection, "full compliance" means that the SIU has demonstrated 3 consecutive months of compliance with all pretreatment standards and reporting requirements.

24. All sampling data collected by the Defendant County and all Self-Monitoring Report data submitted by the SIUs in accordance with the requirements contained in their IU permits, the federally approved IPP and federal laws and regulations during this period shall be reviewed by Defendant County to determine such compliance within 7 days of the Defendant County's receipt of the sampling results. Upon detection of a violation, the Defendant County shall verify the SIU's return to compliance by performing at least one sampling during the 30-day period following detection of the violation and repeat such sampling monthly until compliance is achieved in accordance with 40 C.F.R. § 403.12(g).

G. Program Resources

25. By June 30, 2004, Defendant County shall certify in writing in accordance with 40 C.F.R. § 122.22(b)(3)(d) to EPA and NYSDEC that it has sufficient resources and qualified staff to fully effectively implement its IPP and comply with this Consent Judgment. Such certification shall include a statement identifying all full time equivalent (FTE) employees required under the IPP and a statement identifying any additional employees necessary to fully implement the IPP. Attached hereto as Attachment A is a list of positions and position descriptions that are integral to effective administration of the current IPP.

V. MONITORING AND REPORTING

26. Defendant County shall provide quarterly progress reports to the United States, EPA, the State and NYSDEC. By November 30, 2004, Defendant County shall submit the first quarterly report. Subsequent reports shall be received by EPA no later than 30 days after the close of the preceding calendar quarter (i.e., February 28, May 31, and August 31). In the progress reports, Defendant County shall fully describe its pretreatment implementation activities during the calendar quarter, whether it has complied fully and timely with all the requirements specified in Section IV of this Consent Judgment, and any other activities related to complying with this Consent Judgment. These quarterly progress reports are in addition to any other reporting requirements established in the County's IPP, its SPDES permits or the specific provisions of Section IV of this Consent Judgment. For purposes of Paragraph 77(a) of this Consent Judgment, the quarterly progress reports required pursuant to this Paragraph which were filed prior to entry of this Consent Judgment shall be included in the calculation of the 24 month period.

27. Defendant County shall include in each quarterly progress report the following information:

a. An updated list of IUs, including identification of SIUs, and all categorical standards that apply to each SIU, consisting of a description of any new or potential IUs or SIUs which the Defendant County knows, or should know in the exercise of due diligence, are seeking to connect to the POTW, and a certification in accordance with 40 C.F.R. § 122.22(b)(3)(d) as to whether the IU will be able to achieve compliance with all applicable Federal, State and local pretreatment requirements. "Potential IU," as used herein, shall mean an entity coming within the definition of "Industrial User" contained in the Defendant County's IPP, that has

demonstrated an interest in locating within the area by, e.g., applying to the Defendant County for a building permit or a business license, or by entering into a contract, of which the Defendant County has knowledge, to acquire premises by purchase or lease;

b. A list of all permits issued to Industrial Users in accordance with the approved program by the Defendant County during the reporting period;

c. A list of all reports of scheduled, non-scheduled, unannounced, and any other industrial inspections and sampling completed by the Defendant County during the reporting period;

d. An assessment of the compliance status of each new SIU, and each SIU that is in significant noncompliance as defined in 40 C.F.R. § 403.8(f)(2)(vii) during the previous or current reporting period, including a description of the results of all pretreatment inspection and sampling performed, a description of each SIU's compliance or noncompliance with pretreatment reporting requirements, permit requirements, discharge standards, and compliance schedules;

e. A descriptive summary of compliance and enforcement activities undertaken by Defendant County during the reporting period, including, but not limited to, any actions taken to enforce the IPP, such as Notices of Violation, compliance meetings, fines (including the amount of penalty collected), Administrative Orders, permit revocations, injunctions, disconnections, judicial actions (criminal and civil), as well as the outcome of those actions and the number of days which any action, or part thereof, took from initiation to conclusion including a description of the nature of the violation at issue.

f. The status of sampling, development of local limits, issuance of revised pretreatment permits, and other activities related to the development of revised local limits, ERP, sewer use ordinance, and issuance of revised pretreatment permits, during the reporting period;

g. A summary description of staffing, including number of FTE employees in the positions listed in Attachment A, during the reporting period.

28. All analyses associated with, or required by, this Consent Judgment shall be performed pursuant to the analytical procedures approved in 40 C.F.R. Part 136. Defendant County shall take representative samples as required by paragraphs 11, 13.a. through 13.d., and 24 on a 24-hour composite basis unless grab samples are otherwise specified in SPDES permits or 40 C.F.R. Part 136. Where grab sampling is specified, a minimum of four (4) grab samples shall be taken during the monitoring period.

VI. CIVIL PENALTY

29. Defendant County shall pay a civil penalty in the amount of \$300,000.00 for civil violations as alleged in the Complaint filed herein.

a. Defendant County shall, within 30 days after the entry of this Consent Judgment, make payment of the amount of \$ 200,000.00 by FEDWIRE Electronic Funds Transfer to the United States Department of Justice in accordance with the instructions set forth at Attachment B to this Consent Judgment, and shall reference United States v. County of Suffolk, USAO Number 2002V00540 and EPA Docket Number 02-2001-0025. Any payments received after 4:00 p.m. Eastern Time shall be credited on the next business day.

b. Defendant County shall, within 30 days after the entry of this Consent Judgment, deliver a check payable to the "State of New York" in the amount of \$ 100,000.00 to

the Office of the Attorney General, Environmental Protection Bureau, 26th Floor, 120 Broadway, New York, New York 10271, ATT: Gordon J. Johnson, AAG.

c. Defendant County shall send a notice that payment has been made in accordance with this paragraph to the parties specified in Section XV and to Brenda Hinkson, United States Attorney's Office, Eastern District of New York, Financial Litigation Unit, 147 Pierrepont Street, Brooklyn, New York 11201.

d. Upon entry, this Consent Judgment shall be considered an enforceable judgment for purposes of post-judgment collection of any unpaid amounts in accordance with Rule 69 of the Federal Rules of Civil Procedure and the Federal Debt Collection Act, 28 U.S.C. §§ 3001-3008. If the civil penalty provided for in Paragraph 29a is not timely paid to the United States, the United States shall be entitled to: (a) interest on any overdue amount from the due date at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717 and (b) any amounts due under 28 U.S.C. § 3011 and any other applicable authority as a result of Defendant County's failure to make timely payment of the specified penalty. If the civil penalty provided for in Paragraph 29a is not timely paid to the State, the State shall be entitled to interest and a collection fee charge as provided for pursuant to NY State Finance Law § 18, and this Consent Judgment shall be deemed to be notice pursuant to NY State Finance Law § 18(3).

VII. SUPPLEMENTAL ENVIRONMENTAL PROJECT

30. Defendant County shall complete the following supplemental environmental project ("SEP"), which the parties agree is intended to secure significant environmental or public health protection and improvements.

a. Within thirty days of the entry of this Consent Judgment, Defendant County shall pay \$700,000.00 into an interest bearing capital fund sub-account to be established by the Suffolk County Treasurer in a federally-chartered or state-chartered bank in the State of New York. The County will also appropriate said amount to a separately identified capital project by amending its capital program and budget. The County Treasurer shall separately account for the cash held in said sub-account and the interest earned on its balance. The funds held in said sub-account and the interest earned on its balance shall be used to purchase privately-owned land in the Core Preservation Area of the Central Long Island Pine Barrens as defined in NYECL § 57-0107(11) for the purpose of protecting groundwater in Suffolk County's sole source aquifer from discharges of pollutants that may accompany development. The purchase agreement that shall be used to acquire such lands shall require the property to be transferred to the People of the State of New York under the jurisdiction of the Commissioner of the Department of Environmental Conservation. Such transfer may be made by the owner or the County. Title to such lands shall be approved by the Attorney General of the State of New York, as required by law, and such lands shall be deemed dedicated to the Long Island Pine Barrens Preserve pursuant to the provisions of NYECL § 57-0117(5). The County Treasurer shall only withdraw funds from the capital sub-account by the issuance of a check(s) or electronic funds transfer when such payments are approved in writing by EPA and NYSDEC as to the amount of withdrawal and payee(s), in order to purchase lands as described above; said payments shall be made payable to the seller of lands meeting the purposes of this paragraph, such other persons identified in the purchase agreement between the County and the seller(s), or as necessary to remove a lien, judgment, or other encumbrance upon the subject lands at a closing. The County shall make best efforts to

complete these purchases within one year of the entry of the Consent Judgment and shall be required to expend the funds in the capital fund sub-account for the designated purpose, no later than three years of the date of entry of the Consent Judgment.

b. The funds held in the capital fund sub-account shall be used solely for the purchase of land and not for such costs as personnel, inspections, lawyers' fees, or other fees or expenses associated with the cost of purchasing the land, except that after the approval of the EPA and NYSDEC, such funds may be used for the preparation of a property abstract showing the history of title to land that has been approved by EPA and DEC for purchase.

c. The County shall consult with DEC to identify lands that meet the purposes of this Consent Judgment, namely the protection of groundwater. Prior to completing any agreement to purchase land, the County shall seek and obtain the written approval of EPA and NYSDEC that the land identified for purchase meets the purposes of this Consent Judgment. Absent receipt of written approval for the purchase of land, any purchase will not be deemed to satisfy the requirements of this Consent Judgment.

31. Defendant County hereby certifies that, as of the date of this Consent Judgment, Defendant County is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Defendant County required to perform or develop the SEP by agreement, grant or as injunctive relief in this or any other case. Defendant County further certifies that it has not received, and is not presently negotiating to receive, credit, mitigation, or other benefit for the SEP in any other enforcement action; nor has Defendant County received any federal or state grant money or other federal or state sources of money for use in performing the SEP and

Defendant County shall not seek to obtain any federal or state grant money or other federal or state sources of money for such use.

32. Defendant County shall submit the following reports:

a. Defendant County shall submit an initial report within thirty (30) days of the entry of the Consent Judgment which includes a copy of the County Legislative Resolution appropriating funds to the capital project in accordance with Paragraph 30.a. above and a copy of the bank confirmation listing the actual deposit from the County Treasurer.

b. Defendant County shall submit quarterly SEP Reports to EPA and NYSDEC for the period of time commencing with the start of the SEP until completion of the SEP. Such reports shall cover the following periods: January through March; April through June; July through September; October through December. Each quarterly report shall be due to EPA and NYSDEC no later than thirty (30) days after the last day of the respective quarterly period which is covered by the report. Each quarterly SEP Report shall contain the following information:

- (i) A detailed description of the properties investigated and/or purchased under the SEP during the quarterly period covered by the report, including an explanation of impending purchases and reasons for rejection of any potential purchases;
- (ii) A detailed description of any implementation problems encountered and detailed solutions thereto;
- (iii) Itemized costs, documented by copies of titles, contracts, orders and receipts or canceled checks.
- (iv) A certification that no federal or state grant monies or other federal or state sources of money were used to carry out the work required under the SEP.

c. Defendant County shall submit a final SEP Completion Report within three months of completion of the SEP. Such final report shall include the following:

- (i) Certification that the SEP has been fully implemented pursuant to the provisions of this Consent Judgment;
- (ii) A description of the environmental and public health benefits resulting from implementation of the SEP (with a quantification of the benefits and pollutant reductions, if feasible).
- (iii) A summary of the final cost of the completed SEP, and a listing of any itemized costs and the supporting documentation for such costs not previously reported in a quarterly SEP report.

d. Defendant County agrees that failure to submit the SEP Completion Report shall be deemed a violation of this Consent Judgment, and Defendant County shall become liable for stipulated penalties pursuant to Paragraph 35.e. below.

e. Defendant County shall submit all notices and reports required by this paragraph in the manner and to the persons specified in Section XVI of the Consent Judgment.

33. Defendant County shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted pursuant to this Consent Judgment, and Defendant County shall provide the documentation of any such underlying research and data to EPA within seven (7) days of a request for such information. In all documents or reports, including, without limitation, the SEP Report, submitted to EPA pursuant to this Consent Judgment, Defendant County shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

34. Following receipt of the final SEP Completion Report described in Paragraph 32 above, EPA and NYSDEC will do one of the following: (i) accept the report; (ii) reject the report, and notify Defendant County, in writing, of deficiencies in the report and grant Defendant County an additional thirty (30) days in which to correct any deficiencies. EPA and NYSDEC may reject the final SEP Completion Report due to deficiencies in the report or deficiencies in Defendant County's completion of the SEP and may seek stipulated penalties in accordance with Paragraph 35 herein.

a. If EPA and NYSDEC elect to exercise option (ii) above or reject the final SEP Completion Report, EPA and NYSDEC shall permit Defendant County the opportunity to object in writing to the notification of deficiency or disapproval given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA, NYSDEC and Defendant County shall have an additional thirty (30) days from the receipt by the EPA of the notification of objection to reach agreement. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA and NYSDEC shall provide a written statement of its decision to Defendant County. Defendant County agrees to comply with any requirements imposed by EPA and NYSDEC reasonably related to the correction of any such deficiency or failure to comply with the requirement of the SEP. In the event the SEP is not completed as contemplated herein, as determined by EPA and NYSDEC, stipulated penalties shall be due and payable by Defendant County to EPA in accordance with Paragraph 35 herein.

35. In the event that Defendant County fails to comply with any of the terms or provisions of this Consent Judgment relating to the performance of the SEP described in Paragraph 30 above and/or to the extent that the actual expenditures for the SEP do not equal or

exceed the cost of the SEP described in Paragraph 30 above, Defendant County shall be liable for stipulated penalties according to the provisions set forth below:

a. Except as provided in subparagraph 35.b., immediately below, for a SEP which has not been completed satisfactorily pursuant to this Consent Judgment, Defendant County shall pay a stipulated penalty to the United States in the amount of \$500,000 and to the State of New York in the amount of \$250,000.

b. If the SEP is not completed satisfactorily, but EPA and NYSDEC determine that the Defendant County: (i) made good faith and timely efforts to complete the project; and (ii) has certified, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Defendant County shall not be liable for any stipulated penalty.

c. If the SEP is satisfactorily completed, but the Defendant County spent less than 90 percent of the amount of money required to be spent for the project, Defendant County shall be required to complete an additional purchase of land in accordance with the provisions of Paragraph 30 above. Such SEP shall be in the amount equal to the difference between \$700,000 and the amount spent. Such SEP must be submitted to the EPA and NYSDEC within thirty (30) days of the submission of the SEP Completion Report for EPA's and NYSDEC's approval. EPA and NYSDEC will either accept the supplemental SEP or reject the supplemental SEP. If EPA and NYSDEC reject the supplemental SEP, the Defendant County shall have an additional thirty (30) days to modify its submission in accordance with any comments received from EPA or NYSDEC or submit a new supplemental SEP. If EPA and NYSDEC do not approve the

new/revised supplemental SEP, the Defendant County shall pay a stipulated penalty equal to the difference between \$700,000 and the amount spent on the original SEP.

d. If the SEP is satisfactorily completed, and the Defendant County spent at least 90 percent of the amount of money required to be spent for the project, Defendant County shall not be liable for any stipulated penalty.

e. For failure to submit either the initial report required by Paragraph 32.a. or the SEP Completion Report required by Paragraph 32.c. above, Defendant County shall pay a stipulated penalty in the amount of \$1,000 for each day after its due date until the report is submitted.

f. For failure to submit any quarterly SEP Report required by paragraph 32.b. above, Defendant County shall pay a stipulated penalty in the amount of \$500 for each day after the report was originally due until the report is submitted.

36. Stipulated penalties required by Subparagraphs 35.e. and 35.f. above shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

37. The determinations of whether the SEP has been satisfactorily completed and whether the Defendant County has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA and NYSDEC.

38. Defendant County shall pay stipulated penalties accrued pursuant to the SEP requirements in Paragraphs 34 through 36 within fifteen (15) days of receipt of written demand by EPA and NYSDEC for such penalties. Defendant County shall pay such penalties in accordance with the instructions set forth in Paragraph 43. Defendant County shall send a copy

of the transmittal letter and the check to the addresses specified in Section XVI of the Consent Judgment. Interest and late charges shall be paid as stated in Section IX of the Consent Judgment.

39. Any public statement, oral or written, in print, film, or other media, made by Defendant County making reference to the SEP shall include the following language, "This project was undertaken in connection with the settlement of an enforcement action taken by the United States Environmental Protection Agency and the State of New York for alleged violations of the Federal Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq. and the New York State Environmental Conservation Law §§ 17-0303(4)(c), 71-1927, 71-1929, and 71-1931."

40. If any event occurs which causes or may cause delays in the completion of the SEP as required under this Consent Judgment, the provisions of Section XIII of the Consent Judgment shall be controlling.

VIII. STIPULATED PENALTIES

41. If Defendant County fails to comply fully and timely with any requirement of this Consent Judgment, Defendant County shall pay stipulated penalties automatically and without demand, as set forth below:

a. For failure to comply with any requirement of Paragraphs 8, 11, 22, 24, 26, 27 and 28 in Section IV of this Consent Judgment, Defendant County shall pay the following:

<u>Number of Days Not in Compliance</u>	<u>Stipulated Penalty Per Day, Per Violation</u>
1 through 30 days	\$500
31 through 60 days	\$1,500

61 through 180 days	\$3,000
181 days or more	\$12,000

b. For failure to comply with any requirement of the IPP or any requirement in Paragraphs 10, 12, 14, 15, 16, 18, 19, 20, 21, 25 in Section IV of this Consent Judgment, Defendant County shall pay the following:

<u>Number of Days Not in Compliance</u>	<u>Stipulated Penalty Per Day, Per Violation</u>
1 through 30 days	\$1,000
31 through 60 days	\$3,000
61 through 180 days	\$10,000
181 days or more	\$32,500

c. For failure to comply with any requirement of the IPP or any requirement in Paragraphs 7, 9, 13 or 17 in Section IV of this Consent Judgment, Defendant County shall pay the following:

<u>Number of Days not in Compliance</u>	<u>Stipulated Penalty Per Day, Per Violation</u>
1 through 30 days	\$2,500
31 through 60 days	\$5,000
61 through 180 days	\$15,000
181 days or more	\$32,500

d. For failure to comply with any requirement of Paragraph 29, \$5,000 per day.

e. Upon entry of this Consent Judgment, the stipulated penalty provisions of this Consent Judgment shall be retroactively enforceable with regard to any and all violations that have occurred prior to the date of entry of this Consent Judgment.

f. Stipulated penalties shall be payable in the full amount set forth herein for failure to comply with a specific milestone whether the failure to comply is with respect to the entire milestone or a part thereof.

42. In any dispute over the applicability of stipulated penalties, Defendant County shall bear the burden of proving by clear and convincing evidence that it is not subject to stipulated penalties.

43. Defendant County shall pay by the 15th of the month following the month in which the violation(s) occurred. Payment of two-thirds of the amount owed as stipulated penalties shall be made by FEDWIRE Electronic Funds Transfer to the United States Department of Justice in accordance with the attached instructions set forth at Attachment B to this Consent Judgment, and shall reference United States v. County of Suffolk, USAO Number 2002V00540 and EPA Docket Number 02-2001-0025. Any payments received after 4:00 p.m. Eastern Time shall be credited on the next business day. Payment of the remainder owed as stipulated penalties shall be paid by check made payable to "State of New York" and sent to the Deputy Bureau Chief, Environmental Protection Bureau, New York State Attorney General's Office, 120 Broadway, New York, New York 10271. Defendant County shall simultaneously send a letter summarizing the violation(s) for which the penalty payment is made and shall send a notice that payment has been made to the parties specified in Section XVI and to Brenda Hinkson, United

States Attorney's Office, Eastern District of New York, Financial Litigation Unit, 147 Pierrepont Street, Brooklyn, New York 11201.

44. Stipulated penalties are not Plaintiffs' exclusive remedy for violations of this Consent Judgment. Plaintiffs expressly reserve and shall be entitled to seek all other forms of relief, whether monetary and/or injunctive, available pursuant to statute, regulation or this Consent Judgment, to which they are entitled.

IX. LATE PAYMENT CHARGE

45. Defendant County shall pay interest to the United States Treasury, at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, for any delinquent payment of a stipulated penalty.

46. In addition to the interest due pursuant to Paragraph 45, after the first thirty (30) days that any amount of a stipulated penalty is overdue, Defendant County shall pay to the United States a late payment charge of 6 percent on the amount of any penalty that is overdue in addition to the interest due in Paragraph 45; this late payment charge shall be computed on a quarterly basis.

47. Defendant County shall pay interest to the State at the rate specified by NY State Finance Law § 18(3)-(4), for any delinquent payment of a stipulated penalty.

48. In addition to the interest due pursuant to Paragraph 47, after the first ninety (90) days that any amount of a stipulated penalty is overdue, Defendant County shall pay to the State a collection fee charge of up to 22% on the amount of any penalty that is overdue in addition to the interest due in Paragraph 47, as specified by NY State Finance Law § 18(5).

X. MEETINGS AND REVIEWS

49. The parties shall meet and confer on at least a quarterly basis following the submission of Defendant County's quarterly reports and certifications pursuant to Section V, unless the Parties agree, in writing, to less frequent meetings.

50. The meetings shall take place on the 2nd Wednesday of the month following the submission of Defendant County's quarterly reports and certifications pursuant to Section V at the United States Attorney's Office, 610 Federal Plaza, Central Islip, New York 11722-4454, unless all parties agree to an alternative meeting schedule and/or location.

51. The meetings shall continue to be held on a quarterly basis until the termination of this Consent Judgment pursuant to the provisions of Section XXIII, unless all parties agree to an alternate meeting schedule.

52. The parties shall send to all meetings appropriate and responsible representatives who are prepared to discuss the quarterly report and, in the case of a separately arranged meeting, any particularly identified issues.

XI. FAILURE OF COMPLIANCE

53. Plaintiffs do not, by their consent to the entry of this Consent Judgment, warrant or aver in any manner that the Defendant County's complete compliance with this Consent Judgment will result in compliance with the Act or its SPDES permits. Notwithstanding EPA's review and approval of any plans, procedures, programs, program modifications, limits, or other proposals formulated pursuant to this Consent Judgment, the Defendant County shall remain solely responsible for compliance with the terms of the Act, this Consent Judgment, its SPDES

permits, its approved IPP, the pretreatment regulations at 40 C.F.R. Part 403, and all applicable state and federal laws and regulations.

XII. DISPUTE RESOLUTION

54. If the parties are unable to agree upon any procedure, plan, standard, requirement, or other matter described herein, or in the event a dispute should arise among the parties regarding the implementation of this Consent Judgment, the Defendant County shall act in a manner consistent with the position of the United States unless the Defendant County files a petition with the Court for resolution of the dispute within 30 days of receipt of the United States's final position concerning the dispute. In its petition to the Court, the Defendant County shall set out the nature of the dispute with a proposal for its resolution. Plaintiffs shall have thirty (30) days to file a response with an alternative proposal for resolution.

55. In any such dispute, the Defendant County shall have the burden of proving by clear and convincing evidence that its proposal will achieve compliance with the terms and conditions of this Consent Judgment, its permits and the Act in an expeditious manner, and that implementation of its proposal will result in equivalent or greater environmental protection than would implementation of the United States's position.

XIII. DELAYS OR IMPEDIMENTS TO PERFORMANCE (Force Majeure)

56. "Force majeure," for purposes of this Consent Judgment, is defined as an act of god that delays or prevents performance of any obligation of this Consent Judgment despite Defendant County's best efforts to fulfill the obligation. The requirement that the Defendant County exercise "best efforts" to fulfill the obligation includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any potential force majeure

event (1) as it is occurring and (2) following the potential force majeure event, such that the delay is minimized to the greatest extent possible. "Force Majeure" does not include financial inability to comply with the terms of this Consent Judgment. At the written request of Defendant County, the United States may extend, in writing, any applicable date for compliance for a period no longer than that warranted by the force majeure event, or waive stipulated penalties for the exceedance or other violation.

57. A copy of the Defendant County's request made pursuant to Paragraph 56 also shall be sent to NYSDEC by the Defendant County. The United States may consult with the State and NYSDEC prior to granting or denying the Defendant County's request.

58. If the United States denies Defendant County the relief sought pursuant to Paragraph 56, the position of the United States shall control unless Defendant County invokes the Dispute Resolution procedures of this Consent Judgment within fifteen (15) days of the receipt of such denial. Defendant County shall have the burden of proving by clear and convincing evidence that any event is caused solely by circumstances beyond the control of, and without the fault of, Defendant County or of any entity controlled by Defendant County, including Defendant County's consultants and contractors, that Defendant County exercised due diligence in minimizing the delay, and that, as a result of the delay, a particular extension period is appropriate. Financial, economic, or business conditions, or changes in the same, or increased costs or expenses, shall not, in any event, justify delay or constitute grounds for excusing any violation. Delay in the achievement of any interim step specified in this Consent Judgment shall not justify or excuse delay in the achievement of subsequent steps.

59. Defendant County shall provide written notice of any request for application of this section to the United States, the State and NYSDEC within 10 working days of the occurrence of Defendant County's knowledge of the alleged force majeure event. Such request shall describe in detail: the anticipated length of the delay, violation or exceedance; the precise cause or causes of the delay, violation or exceedance; and the measures taken by Defendant County to prevent or minimize any such delay, violation, or exceedance. Failure by Defendant County to comply with the notice requirements of this paragraph shall render any claim of force majeure application void and of no effect as to the particular incident involved and shall constitute a waiver of Defendant County's right to request the application of this section to such incident or delay, violation, or exceedance.

60. Increased cost or expenses associated with the implementation of this Consent Judgment, changed financial circumstances, or technical problems shall not serve as a basis for changes in this Judgment or extensions of time under this Consent Judgment.

XIV. RIGHT OF ENTRY

61. Until termination of this Consent Judgment, the United States, EPA, the State and NYSDEC and/or their respective representatives, contractors, consultants, and the attorneys for the United States and the State shall have the authority to enter any facility covered by this Consent Judgment, during reasonable hours, upon presentation of credentials to the manager(s) of the facility, or in the manager's absence, to the highest ranking employee present on the premises, for the purposes of:

- a. Monitoring the progress of activities required by this Consent Judgment;

- b. Verifying any data or information submitted to the United States, the State and NYSDEC in accordance with the terms of the Consent Judgment;
- c. Obtaining samples, and upon request, splits of any samples taken by the Defendant County or its contractors and consultants; or
- d. Assessing the Defendant County's compliance with this Consent Judgment.

This provision in no way affects or reduces any rights of entry or inspection that EPA has under any Federal law or regulation or that NYSDEC has under any State law or regulation.

XV. FUNDING

62. Performance of the terms of this Consent Judgment by Defendant County is not conditioned on the receipt of any Federal or State grant funds or loan. In addition, the Defendant County's performance is not excused by the failure to obtain, or shortfall of, any Federal or State grant funds or loan, or by the delay of processing of any applications for the same.

XVI. FORM OF NOTICE

63. Notifications, reports or other communications with the United States, the State or NYSDEC shall be deemed submitted on the date they are postmarked and sent by certified mail, return receipt requested. Except as specified otherwise, when written notification to or communication with the United States, the State or NYSDEC, or the Defendant County is required by the terms of this Consent Judgment, it shall be addressed as follows:

As to the United States:
Deborah B. Zwany
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
1 Pierrepont Plaza
Brooklyn, New York 11201

Diane T. Gomes, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency
Region II
290 Broadway - 16th Floor
New York, New York 10007-1866

Douglas McKenna, P.E.
Chief, Water Compliance Branch
U.S. Environmental Protection Agency
Region 2
290 Broadway - 20th Floor
New York, New York 10007-1866

Chief, Water Programs Branch
EPA Region 2
290 Broadway, 24th Floor (DEPP-WPB)
New York, NY 10007-1866

As to the State:

Gordon J. Johnson, Esq.
Assistant Attorney General
Office of Attorney General
120 Broadway, 26th Floor
New York, New York 10271

As to NYSDEC:

Scott Crisafulli, Esq.
Associate Attorney
New York State Department of
Environmental Conservation
625 Broadway
Albany, New York 12233

As to Defendant County:

Christine Malafi, Esq.
County Attorney
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788

The Honorable Charles J. Bartha

Commissioner
Suffolk County Department of Public Works
335 Yaphank Avenue
Yaphank, New York 11980

Richard E. Stezepek, P.E.,
Director, Wastewater Management
& Pretreatment Section
Suffolk County Department of Public Works
335 Yaphank Avenue
Yaphank, NY 11980

XVII. NONWAIVER PROVISIONS

64. This Consent Judgment is neither a SPDES permit nor a modification of any existing SPDES permit and shall not be interpreted to be such permit. The pendency or outcome of any proceeding concerning the issuance, re-issuance or modification of any SPDES permit shall neither affect nor postpone the Defendant County's duties and obligations as set forth in this Consent Judgment.

65. This Consent Judgment in no way alters or relieves Defendant County's responsibility to comply with any and all applicable Federal, State or local laws, regulations, or permit conditions. The parties agree that the Defendant County is responsible for achieving and maintaining complete compliance with all applicable Federal and State laws, regulations, and permits, and that compliance with this Judgment shall not be a defense to any actions commenced pursuant to such laws and regulations.

66. The United States, the State and NYSDEC, respectively, reserve their rights to bring an action for any violation of law or regulation not specifically the subject of the Consent Judgment as set forth in the Complaint filed in this matter. Nothing in the Consent Judgment shall preclude the United States, the State or NYSDEC from instituting any administrative or

judicial action against Defendant County or taking any other enforcement action against Defendant County except for those violations which have occurred through the effective date of this Consent Judgment and which are specifically alleged in the Complaints filed in this matter. Nothing in this Consent Judgment is intended to, nor shall be construed to, resolve any criminal liability of the Defendants.

67. Plaintiffs expressly reserve the right to pursue all remedies available to them to remedy all violations of the Act not specifically pled in the Complaint filed in this matter.

68. Nothing herein shall be construed to limit the authority of the United States, the State or NYSDEC to undertake any action against any person, including the Defendant County, in response to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment.

69. Nothing herein shall be construed to limit the authority of the United States to act under Section 308 of the Act, 33 U.S.C. § 1318.

70. This Consent Judgment does not limit or affect the rights of the Plaintiffs or Defendants against any third parties.

XVIII. RESERVATION OF RIGHTS

71. The United States reserves, and this Consent Judgment is without prejudice to, any rights or claims that the United States has or may have against any party under the Federal Water Pollution Control Act or any other federal, state or local law.

XIX. MODIFICATION

72. This Consent Judgment represents the entire agreement among the parties. Except as provided herein, there shall be no modification of this Consent Judgment without the written agreement of all the parties.

XX. COSTS OF SUIT

73. Each party to this action shall bear its own costs and attorney's fees, except that the United States and the State shall be entitled to collect the costs (including attorneys fees') incurred in any action necessary to collect any portion of the civil penalty or any Stipulated Penalties due but not paid by Defendant.

XXI. SEVERABILITY

74. The provisions of this Consent Judgment shall be severable, and should any provisions be declared by a court of competent jurisdiction to be inconsistent with State or Federal law and, therefore, unenforceable, the remaining provisions shall remain in full force and effect.

XXII. PUBLIC NOTICE

75. The parties acknowledge and agree that final approval and entry of this Consent Judgment is subject to the requirements of 28 C.F.R. § 50.7, which provides that United States must give notice of proposed Consent Judgments to the public and that the public shall have at least 30 days in which to submit comments regarding the Consent Judgment. The United States reserves the right to withdraw from this Consent Judgment if public comments disclose facts or considerations indicating that the judgment is inappropriate, improper, or inadequate. The Defendants, upon signature of this Consent Judgment by their respective authorized representatives, may not withdraw from the agreement embodied in this Consent Judgment and

consent that, at the conclusion of the public comment period, the Consent Judgment may be entered without further notice.

XXIII. RETENTION OF JURISDICTION

76. The Court shall retain jurisdiction of this case after entry of this Consent Judgment to enforce compliance with the terms and conditions of this Consent Judgment and to take any action necessary or appropriate for its interpretation, construction, execution or modification. During the term of this Consent Judgment, any party may apply to the Court for any relief necessary to construe or effectuate this Consent Judgment.

XXIV. TERMINATION

77. This Consent Judgment shall terminate after certification by the EPA and the NYSDEC that the Defendant County has satisfied all terms of this Consent Judgment. Prior to such certification, the following events must occur:

- a. Defendant County must achieve compliance with all provisions contained in this Consent Judgment and have maintained compliance with each and every provision of this Consent Judgment for 24 consecutive months;
- b. Defendant County must have paid all penalties due and there must be no penalties are outstanding or owed to the Plaintiffs;
- c. Defendant County must certify compliance pursuant to a. and b. above to the Court and all parties; and
- d. Plaintiffs, within 30 days of receiving such certification from the Defendant County, must not have contested, in writing, that such compliance has been achieved. If Plaintiffs dispute Defendants' full compliance, the dispute resolution provision shall be invoked and the Consent Judgment shall remain in effect pending resolution of the dispute by the parties or the Court.

XXV. CERTIFICATION

78. Each signatory to this Consent Judgment certifies that he or she is fully authorized by each party whom he or she represents to enter into the terms and conditions of this Consent Judgment, and to execute and legally bind that party to the Consent Judgment.

SO ORDERED: Judgment is hereby entered in accordance with the foregoing terms and provisions of this Consent Judgment on this _____ day of _____ 2005.

UNITED STATES DISTRICT JUDGE

FOR PLAINTIFF THE UNITED STATES:

Roslynn R. Mauskopf
United States Attorney
Eastern District of New York

By: _____
Deborah B. Zwany
Assistant U.S. Attorney
1 Pierrepont Plaza
Brooklyn, New York 11201
(718) 254-6010

Dated

FOR EPA:

Eric Schaaf, Esq.
Regional Counsel
U.S. Environmental Protection Agency
Region II
290 Broadway - 17th Floor
New York, New York 10007-1866

Dated

FOR PLAINTIFF STATE OF NEW YORK:

Gordon J. Johnson, Esq.
Assistant Attorney General
Office of Attorney General
120 Broadway, 26th Floor
New York, New York 10271


Dated

FOR PLAINTIFF NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION:

Scott Crisafulli, Esq.
Associate Attorney
New York State Department of
Environmental Conservation
625 Broadway
Albany, New York 12233


Dated

FOR DEFENDANTS, COUNTY OF SUFFOLK, SUFFOLK COUNTY DEPARTMENT OF
PUBLIC WORKS, and CHARLES J. BARTHA, COMMISSIONER OF SUFFOLK COUNTY
DEPARTMENT OF PUBLIC WORKS:



Christine Maffi, Esq.
County Attorney
Suffolk County Department of Law
Attorney for Suffolk County
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York, 11788

4/7/06

Dated


The Honorable Steve Levy
Suffolk County Executive
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788

4/11/06
Dated


The Honorable Charles J. Bartha
Commissioner
Suffolk County Department of Public Works
335 Yaphank Avenue
Yaphank, New York 11980

4-11-06
Dated

ATTACHMENT A

Division of Sanitation

Wastewater Management and Pretreatment

Industrial Waste Unit

Positions Approved for Pretreatment Program Implementation in the 2006 Suffolk County Budget:

- 1) Program Director – Principal Civil Engineer (1)
- 2) Office/Data Management System Manager – Head Clerk (1)
- 3) Clerical – Clerk Typist (1)
- 4) Compliance Sampling, Inspection, Discharge Certification, Non-Residential Connection Permit Processing Supervision – Industrial Waste Pretreatment Program Specialist (1)
- 5) Compliance/Enforcement Actions – Industrial Waste Pretreatment Enforcement Coordinator (1) Vacant
- 6) Technical/Regulatory Review - Associate Mechanical Engineer (1); Junior Civil Engineer (1) Vacant
- 7) Compliance Inspections - Industrial Waste Pretreatment Technicians or IWP Technician Trainees (7)
- 8) Compliance Sampling - Industrial Waste Pretreatment Technician (1)
Assistant Civil Engineer (1)

PRINCIPAL CIVIL ENGINEER

1017

DISTINGUISHING FEATURES OF THE CLASS

An employee in this class performs professional engineering work in administering a major operating section of a public works department on the construction of County highways, bridges, waterways, buildings and/or sewage works. Duties include directing and coordinating the activities of engineering, technical and clerical personnel. Assignments are usually broad in scope, requiring independent professional judgment in making difficult technical decisions. Assignments may be self-initiated to complete various projects. Work is reviewed by a technical supervisor for conformity with departmental policies and regulations. Does related work as required.

TYPICAL WORK ACTIVITIES

Supervises and coordinates activities of resident project engineers on construction of County highways, bridges, waterways, buildings and sewerage works;
Plans, directs and coordinates the County's effort under the Federal Highway Bridge

Replacement and Rehabilitation Program;

Supervises and participates in the design effort on projects receiving federal aid, to insure compliance with Federal and State regulations;

Plans and directs the activities of the highway design division; supervises design and the preparation of plans and specifications for County highways; supervises the production of right-of-way maps and survey sketches of right-of-way parcels; supervises field survey crews in development of information required for design activities;

Plans and directs the activities of the Bridge Design Division; supervises the design and preparation of plans and specifications for bridges; prepares cost estimates of proposed bridges; makes inspection and prepares reports concerning existing bridges and other public works structures; schedules repair and maintenance of bridges and structures;

Plans and directs the activities of the Waterways Division; plans and supervises field survey crews in development of information required for the design of various dredging projects; supervises design and preparation of plans and specifications for waterway developments; directs the activities of dredges used to complete projects to make waterways more navigable; directs the maintenance and repair activities of canal locks, docks and bulkheads; directs the operation of the canal;

Coordinates the design, construction, and/or operation of sewer districts, sewage treatment plants and auxiliary equipment as well as the development and operations of monitoring systems and enforcement procedures;

Plans and directs the activities of the sewerage works construction section; supervises the layout of line and grade for sewers and sewage treatment plant facilities and pumping stations; supervises the inspection of construction to determine contractor conformance with approved plans;

Supervises the conduct of special research on sewage disposal processes and the operation and maintenance of sewage treatment plants and sewers; makes recommendations relative to design alteration due to field changes;

Plans and directs the activities of the planning and design section; prepares designs, specifications and cost estimates for letting contracts related to construction or improvements of existing sewers, sewage treatment facilities and expansions of said systems;

Prepares engineering contracts for performance of design work by consulting engineers relative to County sewer districts; reviews outside engineering plans for adequacy and conformance with engineering contracts and good engineering practices; supervises and directs the development and operations of computer programs used in the design and review of engineering plans.

Plans and directs the activities of the operation and maintenance sections; supervises the operation and maintenance of sewage treatment plants, pumping stations, interceptors, monitoring devices, lateral sewers and other collection system facilities;

Supervises support services such as industrial waste and pretreatment activities, permit processing and field survey activities; prepares reports and assists in the securing of grants and procurement procedures;

Provides assistance, as required, to the Chief Engineer in directing engineering and maintenance activities within the Public Works Department;

Acts as expert engineering witness before courts, commissions and boards of arbitration.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL

CHARACTERISTICS

Comprehensive knowledge of the practices, techniques, and principles of civil and sanitary engineering; thorough knowledge of bridge, highway, waterway, sewer and sewage treatment plant facilities design and construction; thorough knowledge of modern engineering methods, techniques and materials; good knowledge of modern developments, current literature and sources of information regarding sewerage works, bridge, highway, waterway design and construction; good knowledge of the applicable laws and regulatory codes relevant to engineering construction, design and operation; ability to plan, schedule, coordinate and review the work of engineering, technical and clerical personnel in a manner conducive to full performance and high morale; ability to plan, design and prepare complete engineering plans and specifications; ability to perform difficult engineering computations and to make comprehensive recommendations on engineering problems; ability to express oneself clearly and concisely, both orally and in writing; physical conditions commensurate with the demands of the position.

MINIMUM QUALIFICATIONS

OPEN COMPETITIVE

Possession of a Professional Engineer's License issued by the State of New York, and six (6) years of sanitary and/or civil engineering experience following acquisition of license, three (3) years which must have been in a supervisory or administrative capacity.

PROMOTIONAL

Two (2) years of permanent competitive status as an Associate Civil Engineer.

NECESSARY SPECIAL REQUIREMENT
Candidates must maintain a Professional Engineer's License issued by the State of New York while employed in this title.

R3/19/93 SUFFOLK COUNTY

Competitive

HEAD CLERK

0015

DISTINGUISHING FEATURES OF THE CLASS

The employee in this class performs unusually difficult, complex and responsible clerical functions which may involve supervision over a large number of subordinate personnel. Under direction, the employee performs highly responsible administrative and/or supervisory work involving planning, assigning and reviewing the work of supervisory and clerical employees in large clerical units or administers a smaller highly specialized clerical unit with comparable responsibility. Work may involve assisting an administrative supervisor. Employees are responsible for the proper performance of the assigned supervisory and technical activities of their unit and make independent work decisions based on long experience and thorough knowledge of departmental operations. Unusually difficult technical policy or procedural questions are referred to a supervisor for decision. Work is reviewed by an administrative supervisor through frequent conferences, observation of the unit operations and periodic reports. Performs related work as required.

TYPICAL WORK ACTIVITIES

Prepares correspondence and acts as liaison with internal and external agencies or individuals in matters of departmental concern;
Exercises supervision over clerical and stenographic personnel and regulates work flow;
Interprets departmental regulations and procedures to assigned personnel;
Prepares departmental reports and assembles budget data;
Oversees maintenance of various records such as personnel and payroll records, ledger recordings and vouchers; prepares statistical reports based on these records;
Supervises a large unit processing medical claims and maintaining related records; confers with doctors, dentists, hospital administrators and clients concerning policies and procedures;
Trains assigned employees in the performance of their duties;
Evaluates and updates office procedures.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Comprehensive knowledge of general office terminology, procedures and equipment; thorough knowledge of the principles of office management and supervision; thorough knowledge of business English, spelling and arithmetic; thorough knowledge of standard bookkeeping and records maintenance practices; thorough knowledge of the legal, administrative and procedural regulations applicable to the jurisdiction; ability to plan, organize and direct work of subordinate clerical personnel in a manner conducive to full performance and high morale; ability to promote and maintain effective departmental and public relations; ability to prepare operating and statistical tabulations and reports, including ability to make difficult arithmetic computations accurately; ability to express oneself clearly and concisely, both orally and in writing; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS

OPEN COMPETITIVE

Either:

- (a) Graduation from a New York State or regionally accredited college with an Associate's Degree in Secretarial Science and five (5) years of clerical experience; or,
- (b) Eight (8) years of clerical experience, two (2) years of which must have been in a supervisory capacity.

NOTE: Additional education beyond high school from a New York State or regionally accredited college may be substituted for experience on a year-for-year basis.

PROMOTIONAL

Two (2) years of permanent competitive status as a Principal Clerk, Principal Library Clerk, Principal Stenographer, Secretarial Assistant, Principal Account Clerk, Principal Legal Stenographer, Word Processing Supervisor, Senior Data Processing Clerk or Senior Police Operations Aide.

R12/04/02

SUFFOLK COUNTY

Competitive

RR1/6/03

DISTINGUISHING FEATURES OF THE CLASS

An employee in this class is involved with responsibility for performing clerical and typing, or word processing duties of limited difficulty and responsibility. Clerk Typists assigned to word processing duties, either at an independent work station or as members of a word processing unit, perform routine entry and revision word processing tasks and are thereby distinguished from Word Processing Technicians who handle the complex assignments. The work of these positions, apart from typewriting, is similar in nature and level to that found in the clerk class. Duties of the position follow well-defined procedures and methods. Detailed instructions and close supervision are received at the beginning of work and on new assignments, but regular routine tasks are performed more independently and some initiative and judgment are utilized as experience is gained. The nature of the work is such that the employee may be required to operate a variety of office equipment. Employees may make arithmetical or other checks upon the work of other employees for accuracy, but do not exercise direct supervision over other personnel. The work is performed under the direct supervision of assigned supervisory personnel, and is reviewed upon completion for content and accuracy. Does related work as required.

TYPICAL WORK ACTIVITIES

Transcribes from dictating machine or types from rough copy, reports, statements, tabulations, vouchers, letters and various legal documents;

Posts simple data to various office records and prepares and types reports based on tabulations of posted data and simple arithmetical computations;

Receives and checks applications, vouchers, or other forms for accuracy of content and compliance with procedural and regulatory requirements;

Operates a word processor to produce documents requiring routine entry and revision skills;

Answers routine questions regarding departmental procedures in response to personal and telephone inquiries, and types routine letters or form letters to respond to written inquiries;

Cuts stencils and types data on forms and index cards;

Checks and proofreads typed copy;

Operates a variety of simple office equipment including a word processor;

Sorts, indexes and files documents, reports, correspondence and other material;

May operate a small switchboard and act as receptionist.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Some knowledge of office terminology, procedures, equipment and clerical techniques; some knowledge of business English, spelling and arithmetic; skill in typing accurately from rough draft, clear copy, or a dictating machine at a reasonable rate of speed; ability to understand and carry out oral and written instructions; ability to learn assigned tasks and to adhere to prescribed departmental routines; ability to make arithmetical computations and tabulations accurately and with a reasonable rate of speed; ability to establish effective working relationships with co-workers, supervisors and the general public; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS

OPEN COMPETITIVE

There are no minimum education or experience requirements for this position.

R09/29/82

SUFFOLK COUNTY

Competitive

INDUSTRIAL WASTE PRETREATMENT PROGRAM SPECIALIST 7673

DISTINGUISHING FEATURES OF THE CLASS

An employee in this class is responsible for work activities relating to the administration/supervision of industrial waste pretreatment activities. The incumbent must be able to supervise employees engaged in carrying out assignments, and must be on call to provide assistance during times of emergency. Independent judgment and initiative are required. Administrative and technical supervision is received from an administrative supervisor by means of conferences and periodic operational reports. Does related work as required.

TYPICAL WORK ACTIVITIES

- Develops and implements special environmental projects which directly affect the Department of Public Works Industrial Waste Pretreatment Program (DPW IWPP);

- Provides supervision to sampling crews and inspectors involved in environmental pretreatment program monitoring;

- Responds to emergency calls dealing with illegal discharges and accidental spills, supervising and participating in response, enforcement and/or hearing procedures as required;

- Evaluates, oversees and recommends fiscal expenditures required to perform routine and emergency sampling in response to toxic and hazardous materials discharges;

- Assists an administrative supervisor in implementation of departmental programs with firematic response agencies;

- Assists an administrative supervisor in implementation of pollution control activities with other agencies and/or municipalities involved in environmental regulatory programs;

- Provides input and expertise in evaluating violations of Suffolk County Code Chapter 424-"Sewers"; supervises enforcement of sewer discharge regulations;

- Reviews Industrial Waste Pretreatment Program modules and policies in an effort to assess their effectiveness for determining possible programmatic and policy alternatives;

- May perform inspections of significant industrial users facilities.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Thorough knowledge of the principles, laws, regulations, techniques and practices of environmental quality and Industrial Waste pretreatment; thorough knowledge of legal, administrative and procedural regulations applicable to the DPW, IWPP; thorough knowledge of emergency response techniques; good knowledge of the principles of firematic techniques; ability to effectively plan and direct the work of Industrial Waste Pretreatment Program personnel; ability to exercise sound judgment and discretion; ability to respond quickly and effectively when emergency situations arise; ability to organize and supervise support staff in a manner conducive to full performance and high morale; ability to express oneself clearly and concisely, both orally

and in writing; physical condition commensurate with demands of the position.

MINIMUM QUALIFICATIONS

OPEN COMPETITIVE

Either:

a) Graduation from a New York State or Regionally accredited college or university with a Bachelor's Degree, which includes or is supplemented by at least thirty (30) credit hours in the physical or biological sciences, and four (4) years of engineering experience in environmental programs, including two (2) years of supervisory experience in the field of industrial waste pretreatment activities; or,

b) Graduation from a standard senior high school or possession of a high school equivalency diploma, and eight (8) years of engineering experience in environmental programs, including two (2) years of supervisory experience in the field of industrial waste pretreatment activities.

R9/8/05

SUFFOLK COUNTY

Competitive

INDUSTRIAL WASTE PRETREATMENT ENFORCEMENT COORDINATOR 7674

DISTINGUISHING FEATURES OF THE CLASS

An employee in this class is responsible for enforcement relating to industrial waste pretreatment activities. The incumbent provides technical supervision to inspectors and sampling crews when a violation occurs. Independent judgment and initiative are required. Administrative and technical supervision is received from Principal Civil Engineer or other administrator through conferences and reports. Does related work as required.

TYPICAL WORK ACTIVITIES

Responds to emergency calls dealing with illegal discharges and accidental spills;

Assists Program Manager in implementation of departmental programs with regard to enforcement procedures and participates in hearings as required;

Provides input in evaluating violations of Suffolk County Code Chapter 424-"Sewers";

Supervises enforcement of sewer discharge regulations;

Reviews Industrial Waste Pretreatment Enforcement Program to assess its effectiveness;

Performs inspections of industrial users facilities in violation;

Drafts Cease and Desist Orders and Consent Orders and makes recommendations for compliance hearings;

Outlines and interprets corrective action needed to be taken by violators;

Issues reports to the DEC and other regulatory agencies with regard to the Industrial Waste Pretreatment Enforcement Program.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Thorough knowledge of legal and procedural regulations applicable to the Department of Public Works Industrial Waste Pretreatment; thorough knowledge of emergency response techniques; good knowledge of the principals, laws, regulations, techniques and practices of environmental quality and Industrial Waste Pretreatment; good knowledge of the principles of firematic techniques; ability to exercise sound judgment and discretion; ability to respond quickly and effectively when emergency situations arise; ability to express oneself clearly and concisely both orally and in writing; physical condition commensurate with demands of the position.

MINIMUM QUALIFICATIONS

OPEN COMPETITIVE

Either:

(a) Graduation from an accredited college or university with a Bachelor's Degree which includes or is supplemented by at least fifteen (15) credit hours in the physical or biological sciences, and two (2) years of engineering experience in environmental programs, including one (1) year of experience in the field of industrial waste pretreatment activities; or,

(b) Graduation from a standard senior high school or possession of a high school equivalency diploma, and six (6) years of engineering experience, including one (1) year of experience in the field of industrial waste pretreatment activities.

06/02/98

Suffolk County

Competitive

ASSOCIATE MECHANICAL ENGINEER

1039

DISTINGUISHING FEATURES OF THE CLASS

An employee in this class performs supervisory and professional work in the area of building operation and maintenance or in the design and construction of mechanical systems for County facilities. Responsibilities in building operation and maintenance include directing all preventive maintenance, major repairs and alterations to mechanical and electrical equipment and to the fabric of County owned and leased buildings. An incumbent in the area of design and construction supervises the preparation and review of plans and specifications for the construction of plumbing, air conditioning, heating and ventilation systems for County buildings. Supervision is received from an administrative supervisor who reviews work through periodic reports, budget requests and discussions on major projects. Does related work as required.

TYPICAL WORK ACTIVITIES

Directs and supervises varied maintenance activities, repairs, and alterations to the physical plant of County buildings, in such areas as carpentry, electrical repair, plumbing, heating, air conditioning, painting and other major improvements;

Supervises an engineering staff in the preparation and design of systems, plans, cost estimates, and contract specifications for the construction and alteration of plumbing, heating, ventilation and air conditioning systems in County buildings;

Reviews plans, estimates and specifications submitted by consulting engineers and contracting firms on County construction and renovation projects;

Directs the inspection of work being performed by contractors on building improvements and mechanical and electrical systems in County facilities;

Makes periodic maintenance checks on facilities; reviews and approves recommendations for building improvement or repair submitted by supervisors; prepares estimates of labor and material costs;

Prepares bid specifications on building supplies, equipment and outside labor used in the maintenance and repair of County facilities; reviews bids and submits reports;

Acts as an engineering consultant to other County departments in matters relating to the improvement of County buildings.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Thorough knowledge of the principles and practices of mechanical, electrical and civil engineering, especially as they relate to plant engineering; thorough knowledge of the planning, design and construction of plumbing, heating, ventilating and air conditioning systems in buildings; thorough knowledge of the procedures of inspection of building mechanical and electrical equipment; thorough knowledge of the principles and practices of specification writing; thorough knowledge of construction estimating, including the relative cost and useful life of materials; good knowledge of modern developments, current literature and sources of information applicable to the field of mechanical and plant engineering; good knowledge of applicable laws and regulatory codes on building construction; ability to plan, design and prepare and review engineering plans and specifications for buildings and mechanical and electrical systems; ability to perform engineering computations and to make comprehensive recommendations on engineering problems; ability to plan, schedule and coordinate and review the work of professional, technical and clerical personnel in a manner conducive to full performance and high morale; ability to prepare comprehensive reports; ability to prepare a budget of a unit or division and manage its allocated funds; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS

OPEN COMPETITIVE

Either:

a) Graduation from a New York State or regionally accredited college or university with a Bachelor's Degree in Mechanical or Electrical Engineering and eight (8) years experience in the design and/or installation of mechanical systems and equipment, including four (4) years as a Licensed Professional Engineer; or

b) Graduation from a standard senior high school or possession of a high school equivalency diploma, and twelve (12) years of experience in the design and/or installation of mechanical systems and equipment, including four (4) years as a Licensed Professional Engineer; or

c) An equivalent combination of education and experience as defined by the limits of a) and b).

PROMOTIONAL

Either:

- a) One (1) year of permanent competitive status as an Energy Engineer; or
- b) Two (2) years of permanent competitive status as a Senior Mechanical Engineer.

NECESSARY SPECIAL REQUIREMENT

At the time of appointment and throughout employment in this title, the employee must possess a Professional Engineer's License issued by New York State.

R05/26/04

SUFFOLK COUNTY

Competitive

JUNIOR CIVIL ENGINEER

1011

DISTINGUISHING FEATURES OF THE CLASS

Under general supervision, an employee in this class receives assignments which require the application of engineering skills and knowledge to civil engineering projects, including the design, construction, inspection and maintenance of public works projects and regulatory programs. Assignments are received with general instructions but incumbents are expected to use initiative and judgment in completing them. Supervision may be exercised over technical assistants in any phase of their assigned duties. Work is checked and reviewed throughout its progress and at its conclusion by a technical supervisor. Does related work as required.

TYPICAL WORK ACTIVITIES

Supervises two (2) or more field parties in topographical, land survey or hydrographical surveys; supervises work, takes notes and makes sketches; assumes responsibility for work results and progress of parties; supervises the operation of a survey party requiring complex and difficult survey techniques;

Makes preliminary estimates of quantities and cost for engineering projects; prepares detailed and specific recommendations for professional engineering supervisors;

Within County owned right of way, inspects work to determine compliance with regulations under which a permit was issued for pavement of sidewalks and driveways, and the installation or repair of water mains, sewers, gas mains, manholes or other work;

Performs sub-professional engineering work in the preparation of plans and design of highways; makes preliminary layouts of proposed highway improvements; establishes grade lines to meet the requirements of drainage, topography and earth-work economy; prepares engineering estimates of quantities of materials required for proposed road improvements; uses personal or mainframe computer as a design tool; prepares cost estimates;

Acts as resident engineer on construction projects; supervises the inspection of all phases of work for compliance with County specifications; prepares estimates and submits recommendations on amount of money due contractor each month;

Directs the sampling of and performs tests on various construction materials using a variety of laboratory equipment; makes tests of various construction materials used in highway

construction work; makes soils and related laboratory tests such as liquid and plastic limits, shrinkage, field and centrifugal moisture tests, density and volume determinations; prepares recommendations concerning the establishment of County standards for various materials and soils involved in construction work;

Performs sub-professional engineering work in the preliminary design of bridges and other public works structures to meet specified design requirements;

Supervises non-professional personnel in performing electrical potential surveys of concrete bridge decks;

Performs and/or supervises aspects of monitoring and surveillance activities for Industrial Pretreatment, Wastewater Management and Scavenger Waste Regulatory programs;

Performs sub-professional engineering work in the preparation of plans for sanitary sewer systems and other sanitary or municipal building construction projects;

Reviews design drawings and specifications prepared by consultants;

Reviews shop drawings for construction projects as submitted by contractors;

Directs the sampling of construction materials, sanitary waste and effluent discharges;

Reviews and analyzes sanitary treatment process systems.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Thorough knowledge of construction specifications and of their application to public works projects; thorough knowledge of the principles, practices and instruments used in engineering drafting; thorough knowledge of mathematics, including trigonometry, and its application to field surveying and engineering computation; knowledge of scientific computing languages, such as FORTRAN and BASIC; good knowledge of the principles and practices of civil engineering as well as federal, state and local pollution control laws; skill in the use of engineering instruments and equipment; ability to perform difficult technical computations, to make estimates and tests, and to compile engineering data and statistics; ability to make difficult and technical engineering drawings; ability to read and interpret construction plans and to gain compliance with specifications in a tactful and impartial manner; ability to supervise personnel in a manner conducive to full performance and high morale; ability to establish and maintain effective working relationships with contractors and the general public; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS OPEN COMPETITIVE

Graduation from a New York State or regionally accredited college or university with a Bachelor's Degree in Civil or Sanitary Engineering; and,

EITHER:

- (a) A Master's Degree in Engineering Technology or Civil or Sanitary Engineering; or,
- (b) One (1) year of experience as a civil or sanitary engineer or trainee in a state or municipal department; or,
- (c) Two (2) years of experience as a civil engineer, sanitary engineer or civil or sanitary engineer trainee in a private organization.

NECESSARY SPECIAL REQUIREMENT

At the time of appointment, and during employment in this title, employees will be required to possess a valid license to operate a motor vehicle in New York State or otherwise demonstrate their capacity to meet the transportation needs of the job.

R08/03/03

SUFFOLK COUNTY

Competitive

INDUSTRIAL WASTE PRETREATMENT TECHNICIAN

7677

DISTINGUISHING FEATURES OF THE CLASS

Under general supervision, an employee in this class participates in field and office activities of the Industrial Waste Pretreatment Program. The incumbent conducts investigations of commercial, industrial and institutional facilities to ensure compliance with United States Environmental Protection Agency rules and regulations, New York State Environmental Conservation Law and Suffolk County Sanitary Code. Assignments are given orally and/or in writing and are general in nature affording some opportunity for the use of independent judgment. Supervision may be exercised over technical and clerical employees. Work is subject to review in process and upon completion by an administrative supervisor. Does related work as required.

TYPICAL WORK ACTIVITIES

- Conducts on site inspections of commercial, industrial and institutional facilities to ensure compliance with county, state and federal pretreatment guidelines and requirements;
- Reviews blueprints/engineering drawings for compliance with requirements and makes recommendations to engineers and company representatives concerning their industrial waste discharge;
- Prepares reports and recommendations on inspections, and approval or disapproval of plans;
- Performs investigations to assure that sewage control treatment processes conform to those indicated on approved plans, and, when necessary, notifies Industrial Waste Pretreatment Coordinator of violations;
- Performs industrial surveys of county owned sewer districts;
- Confers with regulatory officials, general public, architects, chemists, contractors, plumbers, developers and other personnel on waste control problems;
- Assists in the preparation of semi-annual industrial waste reports, which are required under the State Pollutant Discharge Elimination System (SPDES);
- Responds to complaints and emergency calls dealing with illegal discharge and accidental spills;
- Collects wastewater and sediment for laboratory examination;
- Performs field tests on samples;
- May attend conferences, seminars, or lectures on industrial waste control;

May supervise technical field personnel engaged in industrial waste control.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Comprehensive knowledge of state discharge regulations; comprehensive knowledge of the processes and methods for waste control; thorough knowledge of the industrial processes and types of industries which give rise to hazardous wastes; good knowledge of the operation and use of equipment used in sanitary investigations; good knowledge of the principles and practices of sewage treatment analysis; ability to read and interpret plan specifications; ability to express oneself clearly and concisely both orally and in writing; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS

OPEN COMPETITIVE

(a) Graduation from an accredited college or university with an Associate's Degree, including at least 12 credit hours in Biological or Physical Sciences, and three (3) years of technical experience on engineering projects, including one (1) year of experience in an industrial waste pretreatment program; or,

(b) Graduation from a standard high school or possession of a high school equivalency diploma, and five (5) years of technical experience on engineering projects, including one (1) year in an industrial waste pretreatment program; or

(c) An equivalent combination of education and experience as defined by the limits of (a) and (b).

NECESSARY SPECIAL REQUIREMENT

Within one year of appointment candidates must obtain a "Certificate of Completion" from the California State University/USEPA Pretreatment Facility Inspection Course.

At the time of appointment in this title employees must possess a valid license to operate a motor vehicle in New York State or otherwise demonstrate their capacity to meet the transportation requirements of the position.

4/4/00

SUFFOLK COUNTY

Competitive

ASSISTANT CIVIL ENGINEER

1013

DISTINGUISHING FEATURES OF THE CLASS

Under general supervision, an employee in this class receives assignments requiring the application of engineering skills and knowledge to civil engineering projects in connection with the design, construction, inspection, operation and maintenance of public works, including the planning and monitoring sewage treatment systems and facilities. Assignments are received with general instructions, but incumbents are expected to use initiative and judgment in completing them. Supervision may be exercised over technical assistants in any phase of their assigned duties. Work is reviewed while in progress and upon conclusion by a technical supervisor for the achievement of desired results. Does related work as required.

TYPICAL WORK ACTIVITIES

Supervises two (2) or more field parties in topographical, land survey or hydro-graphical surveys; supervises work, takes notes and makes sketches; assumes responsibility for work results and progress of parties; supervises the operation of a survey party requiring complex and difficult survey techniques;

Establishes grade lines to meet the requirements of drainage, topography and earthwork economy;

Within County owned right-of-way, inspects work to determine compliance with regulations under which a permit was issued for pavement of sidewalks and driveways, and the installation or repair of water mains, sewers, gas mains etc;

Acts as resident inspector on construction projects; supervises the inspection of all phases of work for compliance with approved plans, specifications and procedures; prepares estimates and submits recommendations on amount of money due contractor each month;

Reviews permit applications of the connection and use of municipal sewers; approves applications when appropriate;

Makes a variety of preliminary estimates for engineering projects; prepares detailed and specific recommendations for professional engineering supervisors;

Assists in the evaluation and field testing of sewage treatment systems; analyzes data; assists in monitoring non-residential discharges to municipal sewers;

Performs sub-professional engineering work in the preparation and/or review of plans and design of highways and sewage facilities; makes preliminary layouts of proposed improvements; prepares engineering estimates of quantities of materials required for proposed improvements; prepares cost estimates;

Supervises the performance of tests on construction materials using a variety of laboratory equipment; conducts soil analysis; submits recommendation regarding the establishment of standards of materials and soils in construction activity;

Maintains liaison with contractors, consultants, utility companies, and municipal agencies during construction of sewage collection and treatment facilities and other public works projects.

FULL PERFORMANCE, KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Thorough knowledge of construction specifications and of their application to public works projects; thorough knowledge of the principles, practices and instruments used in engineering drafting; thorough knowledge of mathematics including trigonometry and its application to field surveying and engineering computation; good knowledge of the principles and practices of civil engineering; skill in the use of engineering instruments and equipment; ability to perform difficult technical computations, to make estimates and tests, and to compile engineering data and statistics; ability to make difficult and technical engineering drawings; ability to read and interpret construction plans and to gain compliance with specification sin a tactful and impartial manner; ability to follow procedures used in evaluating and field testing sewage treatment systems; ability to supervise personnel in a manner conducive to full performance and high morale; ability to establish and maintain effective working relationships with contractors and the general public; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS

OPEN COMPETITIVE

Either:

- (a) Graduation from a New York State or Regionally accredited college or university with a Bachelor's Degree in Engineering, and two (2) years of experience in engineering; or,
- (b) Graduation from a standard senior high school or possession of a high school equivalency diploma, and six (6) years of experience in sanitary and/or civil engineering; or,
- (c) An equivalent combination of education and experience as defined by the limits of (a) and (b).

PROMOTIONAL

Two (2) years of permanent status as a Principal Engineering Aide.

R03/19/93

SUFFOLK COUNTY

Competitive

RR1/28/03

ATTACHMENT B

FEDWIRE Electronic Funds Transfer
to the
United States Department of Justice

TO:

To transfer funds electronically to the Federal Reserve/United States Treasury Department in New York City for credit to the United States Department of Justice, the following information must be provided to the bank from which the funds are to be transferred. This information will enable the sending bank to complete those fields associated with the beneficiary bank of a "***FedWire Structured Third Party Format***" electronic funds transfer.

ITEM	DESCRIPTION	CODING INFORMATION FOR FEDWIRE FORMAT
2	Receiving Bank ABA Code	021030004
3	Message Type Code	1000
7	Wire Amount	\$
9 10 11	Receiving Beneficiary Bank, Name & Account No.	TREAS NYC/CTR/BNF=DEPT OF JUSTICE/AC-
12	Required Beneficiary Information: *Collection Office Identifier *Debtor Name *Collection Office Claim No.	USAO/NYE

ATTENTION FINANCIAL LITIGATION PERSONNEL:

Each of the above blank spaces "**MUST**" be completed before providing this form to the debtor/debtor's attorney. Once completed, the debtor/debtor's attorney must provide this form to the bank from which the funds are to be transferred to ensure that the electronic transfer of funds is accomplished and properly credited to the United States Department of Justice/Debt Accounting Operations Group.

AUTHORITY:

The above information requirements are in accordance with the United States Treasury Department "Treasury Requirements Manual/Part 6 - Chapter 8000"; Appendix E of the "Federal Reserve Bank Funds Transfer Systems Manual"; and, 31 CFR Part 206 (Federal Register - Vol. 59, No. 20).

Questions regarding this FedWire EFT should be directed to the responsible Collection Office:

POINT OF CONTACT: BRENDA F. HINKSON

TELEPHONE NUMBER: (718) 254-6041